

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CR-05-036-F
)	
JON KENT RED ELK,)	
)	
Defendant.)	


ORDER

The court has reviewed the Government's Response to Defendant's Second Motion to Compel Production. The Response is doc. no. 204, filed on August 23, 2005. No "new and persuasive" arguments are set forth therein. (See the court's Order of August 19, 2005, at 3.)

The court does note the government's assertions with respect to agents' notes. Response, at 4. Agents' personal notes that are not regarded by the relevant agency as records of the agency are not, for now, required to be produced for *in camera* review. The court notes, however, that the fact that material may not be Jencks material does not render it nondiscoverable.

Accordingly, the government shall proceed with timely production of documents for *in camera* review as set forth in the August 19 order.

DATED August 30, 2005.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE